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ACTION HCRE-00

INFO OCT-00 ADS-00 H-01 ARA-16 HA-08 AMAD-01 /026 W  
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R 191655Z MAY 83  
FM AMEMBASSY BUENOS AIRES  
TO SECSTATE WASHDC 7366

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UNCLAS BUENOS AIRES 03409

H PASS TO CONGRESSMAN MICHAEL BARNES AND CONGRESSWOMAN  
BARBARA MIKULSKI

ARGENTINA PROJECT (S200000044,  
U.S. DEPT. OF STATE, A/RPS/IPS  
Margaret P. Grafeld, Director  
(X) Release ( ) Excise ( ) Deny

ALSO FOR ARA/SC AND HA/HR

E.O. 12356: N/A  
TAGS: SHUM, AR  
SUBJ: ADDITIONAL INFORMATION ON CODEL BARNES'  
INQUIRIES RE TWO POLITICAL PRISONERS

Exemption(s): \_\_\_\_\_  
Declassify: ( ) In Part ( ) In Full  
( ) Classify as ( ) Extend as ( ) Downgrade to  
Date \_\_\_\_\_ Declassify on \_\_\_\_\_ Reason \_\_\_\_\_

REF: BUENOS AIRES 1031

1. ON FEBRUARY 10 THE ARGENTINE MINISTRY OF FOREIGN  
RELATIONS GAVE US A FORMAL REPLY TO LETTERS FROM CON-  
GRESSMAN BARNES AND CONGRESSWOMAN MIKULSKI CONCERNING  
SEVERAL INDIVIDUALS BEING DETAINED. WE SENT THAT  
REPLY IN THE REFERENCED TELEGRAM.

2. IN REGARD TO EMILIA GELSTEIN, A FORMER INMATE WHO  
HAD BEEN WITH HER AT EZEIZA PRISON RECENTLY REPORTED  
TO US THAT EMILIA IS IN GOOD HEALTH. QUESTIONS HAVE  
BEEN RAISED ABOUT POSSIBLE RIGHT OF OPTION FOR MRS.  
GELSTEIN. WE NOTE HER SENTENCE RUNS TO 1987. UNDER  
ARGENTINE LAW SHE CAN BE CONSIDERED FOR CONDITIONAL  
LIBERTY AFTER HAVING SERVED TWO-THIRDS OF HER SENTENCE.  
IN OCTOBER 1983 SHE WILL HAVE SERVED TWO-THIRDS OF  
THAT TERM, AND IF SHE WERE TO BE RELEASED UNDER CON-  
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ADDITIONAL LIBERTY SHE WOULD BE REQUIRED TO STAY IN  
ARGENTINA UNTIL THE END OF HER ORIGINAL SENTENCE.

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ACCORDING TO THE ARGENTINE PENAL CODE, A PERSON GRANTED CONDITIONAL LIBERTY CANNOT BE GRANTED RIGHT OF OPTION. THEREFORE, IT WOULD APPEAR THAT ONLY BY SPECIAL ORDER COULD EMILIA BE ALLOWED TO LEAVE ARGENTINA BEFORE 1987.

3. IN REGARD TO JORGE MARIO DOMINGO MARCA, HE WAS RELEASED UNDER "SUPERVISED FREEDOM" APRIL 15, 1983. THIS IS SIMILAR TO OUR PAROLE STATUS, AND HE MUST REPORT PERIODICALLY TO AUTHORITIES. NORMALLY THOSE PAROLED RECEIVE COMPLETE FREEDOM AFTER SIX TO SEVEN MONTHS. HOWEVER, IN A FEW CASES, PERSONS HAVE CONTINUED IN PAROLE STATUS ESPECIALLY IF THEY HAD BEEN ACCUSED OF TERRORIST ACTIVITIES; MR. MARCA WAS ARRESTED UNDER A DECREE CHARGING HIM WITH ACTIVITIES CONNECTED WITH A TERRORIST GROUP. SHLAUDEMAN

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